

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NEBRASKA

JEROME DAVIS,

Plaintiff,

vs.

MARK ASHFORD,

Defendant.

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4:06cv3013

MEMORANDUM AND ORDER

This matter is before the court on filing no. 16, the court's order directing the plaintiff to pay the filing fee in this case by no later than July 21, 2006, in the absence of which "this case will be subject, without further notice, to dismissal without prejudice for lack of prosecution." The plaintiff has not paid the filing fee, and the deadline set in filing no. 16 has expired. Pursuant to 28 U.S.C. § 1915(e)(2), and because the plaintiff has failed to prosecute this case with diligence,¹ the plaintiff's complaint and the above-entitled case are dismissed without prejudice. A separate judgment will be entered accordingly.

SO ORDERED.

July 31, 2006.

BY THE COURT:

s/ Richard G. Kopf
United States District Judge

¹See NECivR 41.1, which states in pertinent part: "At any time when it appears that any action is not being prosecuted with reasonable diligence the court may dismiss it for lack of prosecution."